



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/797,573

03/11/2004

Hirofumi Kubota

041514-5325

4829

55694

7590

02/07/2006

DRINKER BIDDLE & REATH (DC)

1500 K STREET, N.W.

SUITE 1100

WASHINGTON, DC 20005-1209

EXAMINER

QUARTERMAN, KEVIN J

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/797,573

Applicant(s)

KUBOTA, HIROFUMI

Examiner

Kevin Quarterman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 17-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 33-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-16 and 33-35, in the reply filed on 11 January 2006 is acknowledged.
2. Claims 17-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11 January 2006.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The following title is suggested: --ORGANIC ELECTROLUMINESCENCE DISPLAY PANEL WITH HIGH MOLECULAR COMPOUND FILM AND INORGANIC BARRIER FILM--.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

6. Claims 1-16 and 33-35 are rejected under 35 U.S.C. 102(d) as being barred by applicant's Japanese application 2002-082513 (JP '513). The Examiner notes that US Publication 2003/0209708 A1 is used as an English translation in this office action.

7. Regarding independent claim 1, Figure 9 of JP '513 shows an organic electroluminescence display panel comprising at least one organic electroluminescence element (D), each having first and second display electrodes (13, 15) and at least one organic functional layer (14) consisting of an organic compound, the at least one organic functional layer being laminated between the first and second display electrodes; a substrate (10) for supporting the at least one organic electroluminescence element; a high molecular compound film (16P1) for covering the respective organic electroluminescence elements and a peripheral area of each of the electroluminescence element on the substrate; and an inorganic barrier film (16S2) for covering the high molecular compound film, an edge of the high molecular compound film, and a peripheral area of the high molecular compound film on the substrate.

8. Regarding claim 2, JP '513 discloses the high molecular compound film made from polyurea or polyimide (¶ [0020]).

9. Regarding claim 3, JP '513 discloses the inorganic barrier film made from silicon nitride or silicon oxynitride (¶ [0017]).

10. Regarding claim 4, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Thus, the limitation of the inorganic barrier film being deposited by plasma chemical vapor deposition, sputtering, or catalytic chemical vapor deposition has not been given patentable weight.

11. Regarding claim 5, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Thus, the limitation of the high

molecular compound film being deposited by vapor deposition polymerization has not been given patentable weight.

12. Regarding claim 6, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Thus, the limitation of the vapor deposition polymerization including annealing a film of polyurea or polyimide at a predetermined temperature in a vacuum or inert gas has not been given patentable weight.

13. Regarding claim 7, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Thus, the limitation of the high molecular compound film being deposited by spraying a high molecular solution in a vacuum has not been given patentable weight.

14. Regarding claim 8, Figure 9 of JP '513 shows at least one additional high molecular compound film (16P2) and at least one additional inorganic barrier film (16S3), wherein the high molecular compound films and the inorganic barrier films are deposited in a plurality of alternately laminated layers.

15. Regarding independent claim 9, Figure 9 of JP '513 shows an organic electroluminescence display panel comprising at least one organic electroluminescence element (D), each having first and second display electrodes (13, 15) and at least one organic functional layer (14) consisting of an organic compound, the at least one organic functional layer being laminated between the first and second display electrodes; a substrate (10) for supporting the at least one organic electroluminescence element; an inorganic barrier film (16S1) for covering the respective organic

Art Unit: 2879

electroluminescence elements and a peripheral area of each of the electroluminescence element on the substrate; and a high molecular compound film (16P2) for covering the high molecular compound film, an edge of the high molecular compound film, and a peripheral area of the high molecular compound film on the substrate.

16. Regarding claim 10, JP '513 discloses the high molecular compound film made from polyurea or polyimide (§ [0020]).

17. Regarding claim 11, JP '513 discloses the inorganic barrier film made from silicon nitride or silicon oxynitride (§ [0017]).

18. Regarding claim 12, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Thus, the limitation of the inorganic barrier film being deposited by plasma chemical vapor deposition, sputtering, or catalytic chemical vapor deposition has not been given patentable weight.

19. Regarding claim 13, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Thus, the limitation of the high molecular compound film being deposited by vapor deposition polymerization has not been given patentable weight.

20. Regarding claim 14, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Thus, the limitation of the vapor deposition polymerization including annealing a film of polyurea or polyimide at a predetermined temperature in a vacuum or inert gas has not been given patentable weight.

21. Regarding claim 15, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Thus, the limitation of the high molecular compound film being deposited by spraying a high molecular solution in a vacuum has not been given patentable weight.

22. Regarding claim 16, Figure 9 of JP '513 shows at least one additional inorganic barrier film (16S2) and at least one additional high molecular compound film (16P3), wherein the inorganic barrier films and the high molecular compound films are deposited in a plurality of alternately laminated layers.

23. Regarding independent claim 33, Figure 9 of JP '513 shows an organic electroluminescence element having first and second display electrodes (13, 15) and at least one organic functional layer (14) consisting of an organic compound, the at least one organic functional layer being laminated between the first and second display electrodes; a substrate (10) for supporting the at least one organic electroluminescence element; a first sealing film (16P1) for covering the organic electroluminescence element and a peripheral area of the organic electroluminescence element on the substrate; and a second film (16S2) for covering the first sealing film and peripheral area of the first sealing film on the substrate.

24. Regarding claim 34, JP '513 discloses the first sealing film as a high molecular compound film and the second sealing film being an inorganic barrier film (Abstract).

25. Regarding claim 35, JP '513 discloses the first sealing film (16S1) as an inorganic barrier film and the second sealing film (16P2) as a high molecular compound film (Abstract).

**Conclusion**

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugimoto (US 6,897,607) discloses an organic electroluminescent display panel with inorganic barrier film. Kubota (US 6,429,584) discloses an organic electroluminescence display panel.

**Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Quarterman  
Examiner  
Art Unit 2879

kq   
4 February 2006

  
Joseph Williams  
Primary Examiner  
Art Unit 2879